

Serial No. 10/678,240

PATENT
Docket No. 58035-013200**REMARKS**

Applicant would initially like to thank the Examiner for extending the courtesy of a telephone interview to Applicant's undersigned attorney on December 1, 2004. In view of the suggestions made by the Examiner, Applicant has amended the claims to clarify that a plurality of heat exchanger elements is separated by a connecting tube. Further, the longitudinal length of the connecting tube is less than the longitudinal length of the each of the plurality of heat exchanger elements. Therefore, Applicant submits that the claims are in condition for allowance.

Applicant has amended claims 1-5 and 7-9. In addition, Applicant has cancelled claim 10 without prejudice or disclaimer.

Election of Group I

Applicant affirms the election of Group I, Claims 1-10 without traverse. Accordingly, claims 11-13 have been withdrawn.

Objections

The Examiner objected to claim 3 based on informalities. Applicant has corrected these informalities as suggested by the Examiner to clarify that "the first passage means" should be "the common first passage means" and that "the second common passage means" should be "the common second passage means". Therefore, Applicant submits that the objections should be withdrawn.

Rejections under 35 U.S.C. § 112

The Examiner rejected claim 3 as being indefinite with respect to the term "coaxial". As discussed during the telephone interview, Applicant has removed the limitation of "coaxial" from the claim 3. Therefore, Applicant submits that the rejection of claim 3 under 35 U.S.C. § 112 should be withdrawn.

Further, the Examiner rejected claims 7 and 8 for not stating the type of dimension. Applicants has amended claims 7 and 8 to clarify that the dimension is the length. Therefore,

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Applicant submits that the rejection of claims 7 and 8 under 35 U.S.C. § 112 should be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-2, 4-6, and 9-10 under 35 U.S.C. § 102(e) as being anticipated by Schimion (U.S. Patent No. 6,572,517). The Examiner appears to be interpreting the base bodies 2 and 3 of Schimion as heat exchanger elements. See Figure 2 of Schimion. However, Schimion teaches that the base bodies 2 and 3 are of "equal construction" and are received in a roller wall with a "precise fit". See Schimion, Col. 3, Lines 41-51. In the telephone interview, the Examiner also appeared to take the position that the inner ring 7 of Schimion is a connecting tube. However, the radius of the inner ring 7 of Schimion being the same dimension as the base bodies 2 and 3 was also discussed during the interview.

Applicant has amended claim 1 to state that there are a plurality of heat exchanger elements. Further, the heat exchanger elements are connected by a connecting tube. In addition, the longitudinal length of the connecting tube is less than the longitudinal length of each of the heat exchanger elements.

Applicant submits that claim 1 is distinguished over Schimion, which only describes an inner ring 7 that has the same radius as the base bodies 2 and 3. Schimion does not teach a plurality of heat exchanger elements that are connected by a connecting tube, which has a longitudinal length less than that of each of the plurality of heat exchanger elements. Therefore, Applicant submits that the rejection of claim 1 under 35 U.S.C. § 102(e) should be withdrawn. In addition, the rejection of claims 2, 4-6, and 9-10 should also be withdrawn as these claims depend from claim 1.

Further, Applicant has amended the Specification to clarify that the longitudinal length of the connecting tube is less than the longitudinal length of each of the heat exchanger elements. Original support for the amendment to the specification can be found in Figure 1 which clearly shows a second element connecting tube part 37 connecting a plurality of heat exchanger elements 30.

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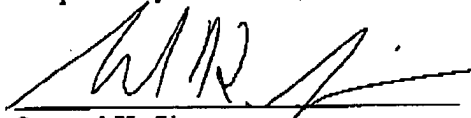
PATENT
Docket No. 58035-013200**Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being obvious over Schimion. Applicant submits that Schimion does not disclose all of Applicant's claimed invention as claims 7 and 8 depend from claim 1, which is discussed above. Accordingly, Schimion does not teach a plurality of heat exchanger elements that are connected by a connecting tube, which has a longitudinal length less than that of each of the plurality of heat exchanger elements. Therefore, Applicant submits that the rejection of claims 7 and 8 under 35 U.S.C. § 103 should be withdrawn.

In view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully requested. Should matters remain that the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 58035-013200 when charging any payments or credits in connection with this application. If the Examiner has any questions, Applicant requests that the Examiner contact Applicant's undersigned attorney at (310) 586-7755.

Respectfully submitted,



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